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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 496 of 2006
Date of decision: 15.11.2007

Smt. Kasturi ...Petitioner

Versus

Jai Bhagwan and another ...Respondent

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CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sandeep K. Sharma, Advocate for the petitioner.

Mr. Vijay Pal Singh, Advocate for the respondents.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order passed by learned Civil Judge (Junior Division), Bahadurgarh whereby her application to amend the plaint was dismissed and prayer for leading additional evidence was partly allowed.

Learned counsel for the petitioner has sought to prove by way of leading additional evidence judgment and decree dated 11.11.2004 and Sanad Taqshim prepared by Assistant Collector IInd Grade, Bahadurgarh regarding the partition of agricultural land and Panchayati Faisala dated October 10, 1984. The suit in the present case was filed by the petitioner/plaintiff on September 13, 2001. The documents which are sought to be produced by way of additional evidence were well within the knowledge of the petitioner/plaintiff at the time of filing of the suit or even at the time of leading evidence. Not only this even in the suit there are no averments with regard to the documents which are sought to be produced in the additional evidence. With these facts on record, in my view, no illegality had been committed by the learned trial Court in dismissing the prayer made for by the petitioner/plaintiff for permission to lead additional

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evidence as no cogent reason was forthcoming as to why no pleading was made with regard to these documents and why these were not produced at the relevant stage, once the same were in the knowledge of the petitioner/plaintiff.

Accordingly, I do not find any merit in the present petition and the same dismissed.

November 15, 2007 **(Rajesh Bindal)**
Pka **Judge**